

IN THE CLAIMS

Please cancel claim 2.

Please amend the claims as follows.

- 1 1. (Currently Amended) An apparatus comprising:
2 a motor coupled to an avian enclosure in a manner that causes the motor to rotate
3 the avian enclosure when the motor runs;
4 an animal sensing mechanism that detects an animal and determines whether the
5 animal is of a first or a second type; and
6 a controller coupled to the motor and to the animal sensing mechanism, the
7 controller causing the motor to run at a first speed when the animal sensing mechanism
8 detects an animal of the first type, the controller causing the motor to run at a second
9 speed when the animal sensing mechanism detects an animal of the second type.
- 1 2. (Cancelled)
- 1 3. (Original) The apparatus of claim 1 wherein the first speed is from 3 to 6 revolutions
2 per minute.
- 1 4. (Original) The apparatus of claim 1 wherein the second speed is from 70 to 100
2 revolutions per minute.
- 1 5. (Original) The apparatus of claim 1 wherein the first type of animal is a bird and the
2 second type of animal is a rodent.

1 6. (Original) The apparatus of claim 1 further comprising a wireless interface coupled to
2 the controller that communicates with a wireless remote control, wherein a user may
3 select at least one predefined function on the wireless remote control, which causes a
4 message to be sent from the wireless remote control to the wireless interface, wherein the
5 controller performs at least one action in response to the message received from the
6 wireless remote control.

STATUS OF THE CLAIMS

Claims 1-67 were originally filed in this continuation-in-part patent application. In response to a first restriction requirement dated 04/06/04, applicant filed an Election of Claims and Amendment on 04/26/04 that cancelled claims 36-67. In response to a second restriction requirement dated 07/14/04, applicant filed an Election of Claims and Amendment on 08/03/04 that cancelled claims 7-35. In the pending final office action, the examiner rejected claims 1 and 3-6 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,275,686 to MacGillivray. The examiner objected to claim 2 as being dependent upon a rejected base claim, but stated claim 2 would be allowable if properly rewritten in independent form. No claim was allowed. In this amendment, claim 2 has been cancelled and claim 1 has been amended. Claims 1 and 3-6 are currently pending.